

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

22 MAR 2004

To:

Zacco Norway AS
P.O. Box 765, Sentrum
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PCT

WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY
EXAMINING AUTHORITY

(PCT Rule 66)

Date of mailing
(day/month/year)

22-03-2004

Applicant's or agent's file reference E30271 JFL/JOB		REPLY DUE	within 60 days from the above date of mailing
International application No. PCT/NO 2003/000234	International filing date (day/month/year) 04-07-2003	Priority date (day/month/year) 05-07-2002	
International Patent Classification (IPC) or both national classification and IPC G07F 7/06, G07C 15/00			
Applicant Tomra Systems ASA et al			

- The written opinion established by the International Searching Authority:
 is is not
 considered to be a written opinion of the International Preliminary Examining Authority.
- This first (first, etc.) opinion contains indications relating to the following items:
 - Box No. I Basis of the opinion
 - Box No. II Priority
 - Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - Box No. IV Lack of unity of invention
 - Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - Box No. VI Certain documents cited
 - Box No. VII Certain defects in the international application
 - Box No. VIII Certain observations on the international application
- The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(e).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3.
 For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis.
 For an informal communication with the examiner, see Rule 66.6.
 For an additional opportunity to submit amendments, see Rule 66.4.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
- The final date by which the international preliminary report on patentability (Chapter II of the PCT) must be established according to Rule 69.2 is: 05-11-2004

Name and mailing address of the IPEA/SE Patent- och registreringsverket Box 5055 S-102 42 STOCKHOLM Facsimile No. 46 8 667 72 88	Authorized officer Patrik Rydman /LR Telephone No. 46 8 782 25 00
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WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No.
PCT/NO 2003/000234

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

This opinion is based on a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

international search (under Rules 12.3 and 23.1(b))
 publication of the international application (under Rule 12.4)
 international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this opinion has been established on the basis of (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."):

the international application as originally filed/furnished

the description:

pages _____ as originally filed/furnished
 pages _____ received by this Authority on _____
 pages _____ received by this Authority on _____

the claims:

pages _____ as originally filed/furnished
 pages _____ as amended (together with any statement) under Article 19
 pages _____ received by this Authority on _____
 pages _____ received by this Authority on _____

the drawings:

pages _____ as originally filed/furnished
 pages _____ received by this Authority on _____
 pages _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, Nos. _____
 the drawings, sheets/figs _____
 the sequence listing (specify): _____
 any table(s) related to the sequence listing (specify): _____

4. This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, Nos. _____
 the drawings, sheets/figs _____
 the sequence listing (specify): _____
 any table(s) related to the sequence listing (specify): _____

WRITTEN OPINION OF THE
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Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-23</u>	
	Claims		
Inventive step (IS)	Claims		
	Claims	<u>1-23</u>	
Industrial applicability (IA)	Claims	<u>1-23</u>	
	Claims		

2. Citations and explanations:

The present application does not meet the requirements of Article 33(3) PCT, because the subject-matter of claims 1-23 does not involve an inventive step.

The problem to be solved by the claimed invention is to provide a method and a system contributing to an increase in the return of empty packaging and to an increase in the desire to return empty packaging.

The following documents (D) are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: WO, 97/46985, A1
D2: US, 6267670, B1
D3: US, 5085308, A

Document D1 (page 3, line 25- page 5, line 31), which is considered to represent the most relevant state of the art discloses a reverse vending machine allowing a user to decide that the compensation paid is to be devoted to charity. The machine comprises report producing means either constituting a part of the machine itself or in combination with an external computer located at the site of the reversed vending machine or remotely in a report centre for the charity organization in question. The reverse vending machine communicates with the external computer through a communication link.

Document D2 discloses a system and method for performing integrated lottery and merchandise transaction: a customer may choose to purchase a lottery ticket in exchange for the change amount.

.../...

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V

Document D3 (column 4, lines 59-68) discloses a reverse vending machine allowing a user to play a game and winning a prize when returning articles.

The subject-matter of claims 1, 2, 4, 5, 11, 12, 14, 15, 20, 22 and 23 differs from the reverse vending machine of document D1 in that the return value is used for reserving a number of lottery tickets or shares in a lottery.

The problem to be solved by the present invention may therefore be regarded as providing a method and a system contributing to an additional increase in the return of empty packaging.

The solution proposed in claims 1, 2, 4, 5, 11, 12, 14, 15, 20, 22 and 23 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

The additional feature of claims 1, 2, 4, 5, 11, 12, 14, 15, 20, 22 and 23 allowing the user of a reversible vending machine to play a game in order to win a prize is described in document D3 (column 4, lines 59-68) as providing the same advantages as in the present application. The skilled person would therefore regard it as a normal option to include this feature in the reversed vending machine described in document D1 in order to solve the problem posed.

The additional features of claims 1, 2, 11, 12, 15 and 20; transferring information such as the identity of the reverse vending machine, the time of the stake, the time of the draw, the number of tickets etc between the reverse vending machine and the external database server; are of purely administrational nature.

Dependent claims 3, 6-10, 13, 16-19 and 21 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step, the reasons being as follows:

Dependent claims 6-10, 13, 16-19 and 21 disclose slight constructional changes in the reverse vending machine of the independent claims which come within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can readily be foreseen.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Conciseness:

Claims 1, 2 and 5 of the same category (method) presented as independent are in fact dependent: claims 1 and 5 include all the features of claim 4 and claim 2 includes all the features of claim 1 (Rules 6.1(a) and 6.4 PCT).

Claims 11, 12 and 15 of the same category (system) presented as independent are in fact dependent: claims 11 and 15 include all the features of claim 14 and claim 12 includes all the features of claim 11. (Rules 6.1(a) and 6.4 PCT).

This renders the number of claims unduly high and results in the application not complying with the requirement of conciseness (Article 6 PCT).

Each of said claims should be redrawn as a dependent claim including reference to the claim from which it depends (Rule 6.4(a) PCT).